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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUET F. WONG,

Plaintiff(s),

v.

COUNTRY WIDE BANK FS.B BAC
HOME LOANS SERVICING, LP, et al.,

Defendant(s).

2:13-CV-1438 JCM (CWH)

ORDER

Presently before the court is defendant Bank of America Home Loans' motion to dismiss for lack of proper service. (Doc. # 6). Subsequently, defendants BAC Home Loans Servicing and Mortgage Electronic Registration Systems, Inc. joined the motion to dismiss. (Doc. # 11). *Pro se* plaintiff Suet Wong filed a response in opposition (doc. # 9), and defendants filed a reply (doc. # 12).

In the instant motion, defendants claim that plaintiff has failed to carry out proper service in accordance with the requirements of Federal Rule of Civil Procedure 4(h). Thus, they argue that this case should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(5).

Plaintiff admits that she has not properly served defendants, but claims that defendants have actively avoided being served. Plaintiff argues that defendants' counsel should accept service or provide her with a valid address at which defendants can be served.

The court finds that dismissal is appropriate because plaintiff has not carried out proper service. Though the court grants leniency to the pleadings of *pro se* litigants due to the lack of legal

1 knowledge, the court cannot waive the requirements of due process based on someone's lack of
2 counsel. Therefore, defendants' motion to dismiss will be granted.


3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to
5 dismiss (doc. # 6) be, and the same hereby, is GRANTED.

6 IT IS FURTHER ORDERED that this case is hereby dismissed WITHOUT PREJUDICE as
7 to all defendants.

8 IT IS FURTHER ORDERED that plaintiff's motion for an extension of time (doc. # 15) is
9 DENIED as moot.

10 DATED April 1, 2014.

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13 **UNITED STATES DISTRICT JUDGE**